



This is me presenting John Paul II a copy of my book and video, *Operation Rescue*. I spoke in the Vatican at an international pro-life convention, and I urged leaders from around the world to take *Operation Rescue* to their own country. This was October, 1991. Mr. Newman told the Trademark Office he had been using the name *Operation Rescue* since July, 1991. As I will now prove, Mr. Newman's filing with the Trademark Office, as well as his use of the name *Operation Rescue* is completely fraudulent.

Randall A. Terry,
Founder, *Operation Rescue*

Operation Rescue “Identity Theft”

Suit Filed against Mr. Troy Newman by Mr. Randall Terry,
Founder of Operation Rescue, in the U.S. Trademark Trial and
Appeal Board.

Mr. Newman is fraudulently raising money and sending out press
releases in the name of Operation Rescue; Mr. Newman lied on
the oath he filed with the Trademark Office

By Randall Terry
Founder, Operation Rescue

Introduction – Why this suit has been filed

I, Randall Terry, the founder of *Operation Rescue*, have filed a legal complaint with the U.S. Trademark Trial and Appeal Board (TTAB) concerning the unethical, deceptive, and the fraudulent use of the name *Operation Rescue* by Mr. Troy Newman, based in Wichita, Kansas.

For the past three or four years, Mr. Newman has been using the name *Operation Rescue*, after being repeatedly informed that he had no right to do so, and being asked to stop by me, and a host of other pro-life leaders. (Some of those leaders are quoted in this document, others at the end of the document.)

Simply put: Mr. Newman's use of the name *Operation Rescue* is a form of identity theft.

Mr. Newman has raised hundreds of thousands and perhaps millions of dollars in the name of *Operation Rescue*. Many of the contributors believe that the "Operation Rescue" to which they have been making their donations was the *Operation Rescue* founded by me, or was somehow associated with me, or that Mr. Newman was using the name *Operation Rescue* with my permission or blessing, or that he had some legitimate claim to use the name *Operation Rescue*.

Nothing could be further from the truth. The name *Operation Rescue* was never bestowed on Mr. Newman in any manner, shape, or form.

In addition to finances, Mr. Newman has received unearned notoriety and credibility with the media and the public due to the respect that the name *Operation Rescue* earned in the late 1980s and early 1990s, long before Troy Newman was involved in the pro-life movement, much less the mission and activities of *Operation Rescue*.

I filed this suit because in April of 2007, I sought to file a trademark of ownership of the name Operation Rescue with the Trademark Office. At that time, my attorney informed me that Mr. Newman had filed for ownership in December of 2006.

Mr. Newman Lied

In his sworn statement to the Federal Trademark Office, Mr. Newman declared that he was the owner of the name Operation Rescue, and that he had been using the name Operation Rescue in commerce since July, 1991.

Anyone involved with *Operation Rescue*, or in the Rescue Movement (as we called it) from 1987 to 1994, anyone in the press, anyone with the ability to do a LEXIS-NEXIS news or court docket search -- or for that matter even a Google or Yahoo news search -- will know that Mr. Newman's claim to have used and owned the name *Operation Rescue* since 1991 is patently untrue.

Mr. Newman's claim to have owned and used the name since 1991 was a bald faced lie.

The earliest that I can attest of Mr. Newman's involvement as a foot soldier in the pro-life movement is 1995 or 1996 in San Diego, California. Rev. Flip Benham, the Director of *Operation Rescue National* (a separate legal entity and organization) states he did not meet Mr. Newman until 1996. We will find out more exact details in depositions as the TTAB case proceeds -- and Heaven forbid -- a full-blown federal lawsuit commences.

No matter when Mr. Newman attended his first pro-life event, his sworn statement to the Trademark Office that he first used the name *Operation Rescue* in 1991 is a complete falsehood.

A Foundation and Building of Lies

To further demonstrate the fraudulent manner in which Mr. Newman proceeds in this case, I quote one question from the "admissions" we submitted to Mr. Newman, and the answer he gave.

Request for Admission No. 21. Randall Terry is the founder of *Operation Rescue*.

Response [From Mr. Newman]: Denied.

To deny that I am the Founder of *Operation Rescue* is...frankly...well, it requires more adjectives than an attempt at quality writing permits. How should we even react to deceit of this caliber?

Mr. Newman's denial that I am the Founder of *Operation Rescue*, and his claim to have used and owned the name Operation Rescue since 1991, are part of a litany of lies – lies that will now be exposed to the light of truth.

Following Christian Protocol

Before bringing this to the public, I have exhausted all other avenues encouraged in the Scriptures; for several years I and others have patiently entreated Mr. Newman as a younger brother who has erred greatly, and urged him to forsake this path of deceit.

I have spoken politely and calmly to him directly -- face-to-face (see Mathew 18:15) -- telling him he must cease and desist using the name *Operation Rescue*; I have enlisted the help of other Christian brothers, to quietly urge Mr. Newman to stop this unethical behavior (see Mathew 18:16); several pro-life leaders have sought to gently -- without publicly humiliating Mr. Newman -- to correct him (see II Tim 4:24-26, and Galatians 6:1); I have sought the help of peacemakers for private mediation (see Mathew 5:9).

Other pro-life leaders, who have no association with me, have also told Mr. Newman that his claim to be the "President of Operation Rescue" is untrue and unethical. Two ordained protestant ministers (not associated with me) recently met with elders of the church Mr. Newman attends, explaining to them the deceit in which Mr. Newman is entrenched, working for his redemption.

Unfortunately, Mr. Newman has rebuffed every honorable effort by me, other pro-life leaders, evangelical pastors and ministers of the Gospel, a Christian attorney, and a Catholic priest who sought to mediate this crisis.

Now, I and others are going to the public at large, while we simultaneously seek justice from the TTAB.

For example, this is a quote from Rev. Flip Benham, the Director of *Operation Rescue National/Operation Save America*:

Troy Newman has never been, nor is he now, nor will he ever be the Director or President of Operation Rescue. His claim that he became director of Operation Rescue in 1991 is patently false...Troy Newman has stolen the identity of a powerful movement birthed by the very Spirit of God to storm the gates of hell – child-killing in America. Randall Terry was its Founder and visionary. Keith Tucci followed Randall in succession and I was privileged to follow Keith.

Rev. Flip Benham

For whatever reasons Mr. Newman has in his heart -- and as you will see, there are many financial and media reasons why he might be doing this -- Mr. Newman has chosen the theft of my name, *Operation Rescue*, as a hill to die on.

Mr. Newman, and a handful of men associated with him, mistook my patience for a lack of resolve.

So after working for a couple of years to quietly end this scandal and fraud, I now bring this case to you directly.

Bullies, Threats and Blackmail

When I filed the suit, one of Mr. Newman's closest associates (who I will identify later) telephoned me on two separate occasions, screaming at me, threatening me, and attempting to blackmail me into withdrawing this suit. Both phone calls went like this:

[The man screaming at me] You are worse than the baby killers! You want to destroy Troy! Troy has done more for the babies than you will ever do! You will cripple him financially! You want his money! I don't care if you win this suit – I will use the name Operation Rescue, and nothing you can do will stop me!

I promise you, if you do not drop this suit, I will do everything in my power to destroy you! I will raise the money to fight you! I will send out letters, emails, press releases about you and your family and your personal life and all the stuff of the past!

I will destroy you in the Catholic Community! [I recently became Catholic, so he thought this might be my Achilles heel to frighten me into submission.] I will ruin you!

He railed on and on.

I finally said, “Jeff, take deep breaths. Get a grip. All I want Troy to do is to return to using the name *Operation Rescue West*. That’s all. Besides, you guys have already done all that [falsely accused me, bore false witness against me, maligned me with gossip, etc.]. What more can you do?”

A short while later, this bully sent me an email, toned down, but still promising to attack me publicly. He said:

Last call, please drop the lawsuit. Call me by noon. Otherwise the tactics you have taught me will be employed as promised.

The “as promised” referred to the two phone calls of threats. I assume the “tactics” he was referring to was that I taught him how to send out a press release. I certainly never taught him or anyone to bear false witness, or attempt to bully or blackmail another man into silence concerning the truth.

“As promised,” he sent out a press release that day at noon, bearing false witness against me, trying to damage me before the press and public.

I did not respond to the press release. Neither did I respond to the email letter that Mr. Newman sent out on November 06, 2007, to pro-life leaders.

However, my practice of silence has come to an end.

Details and Honesty, Historians and Researchers

I write knowing that I, as well as *Operation Rescue* -- as an "organization" that I founded and a movement I led -- are already written about in encyclopedias, in popular books, and in intensely researched college-level textbooks as well as Masters and PhD theses.

For example, in 2006, Mark Allen Steiner wrote a college-level communications book entitled: *The Rhetoric of Operation Rescue: Projecting the Christian Pro-Life Message*. (Published by T & T Clark, \$29.00 paperback, \$95.00 cloth; 226 pages.)

Mr. Steiner wrote this incredibly in-depth (and fairly hostile) book as a critique of the message and means of *Operation Rescue*. My speeches, my book *Operation Rescue*, and my video *Operation Rescue* (that I wrote and produced), and many quotes from me in the press are the main sources for his research.

By contrast, Mr. Newman's name does not appear anywhere in the book (a book released in 2006.) He is not mentioned, because he had no role in the

events that made *Operation Rescue* an international phenomenon. This is one book among dozens like it.

(To preview the book, or to read the index, “google” the title, and look for a preview source.)

Hence, I write knowing that journalists and media professionals in every stream of communication, university level researchers, *Operation Rescue* veterans, sympathetic pro-life activists, as well as my adversaries within the pro-abortion and pro-life movements will be looking over my shoulder, investigating every fact I present and every claim I make.

And finally you, the reader, can judge the history and veracity of this statement. You can go online and check 10,000 different news accounts from 1986 onward; you can do a search of over 25 state and federal court cases bearing my name and the name of *Operation Rescue*, including several landmark cases at the United States Supreme Court; you can go to any university library and borrow college-level books and see for yourself the truth in this matter.

Frankly, I welcome such scrutiny, for it will prove my case.

I will be succinct in this history. When finished, if you wish to ask any questions or make any comments in a public forum, you can post your question here, or email us at comments@operationrescuetheft.com. I or one of my staff will answer it as soon as possible.

My Personal Cost and Investment

Besides my duty to “set the record straight,” I have very personal reasons for filing this complaint; namely, the steep personal cost I have paid as the Founder and leader of Operation Rescue. I am following the example of St. Paul who “boasted” in his hardships (See II Corinthians 11:16-30)

I will provide a brief summary of those hardships later, which include frequent credible death threats, and the loss of my home and life savings to the child-killers.

(However, I happily confess – in the light of the sufferings, hardships, and martyrdoms that mark the Saints and Martyrs over the centuries, my momentary hardships are minor. And for the sake of my spiritual interior, I strive to keep that balance and perspective when perusing the crosses and trials I have borne.)

But nonetheless, they have been real trials that spring directly from my birthing *Operation Rescue*.

And please note: I am not the only pro-life activist who has suffered hardship. Great heroes like Joan Andrews paid an unthinkable price in lost freedom; men like John Cavanaugh O'Keefe and John Ryan preceded me in thought and deed; many (including some of my detractors) have been sued (without losing everything); and hundreds of other pro-life warriors spent weeks, months, and in a few cases, years in jail - such as Joan Andrews and John Arena.

Theft of Honor, Theft of Sacrifice

As anyone on the inside of *Operation Rescue* knows, and as this document and those that follow will make painstakingly clear, Mr. Newman had nothing to do these sacrifices and hardships borne by me or others.

- When I and my family were risking our lives, Mr. Newman (by his own admission) had never even been arrested *one time* for participation in an Operation Rescue event;
- When *Operation Rescue* made international headlines, Mr. Newman was not even involved;
- When I was in prison, Mr. Newman was not even a part of the rescue movement;
- When I and thousands of others were in county jails, state prisons, and federal prisons, Mr. Newman had never even *been* to jail, much less and in danger of rape in jail;
- Mr. Newman has never lost his home;
- Mr. Newman has never been driven into bankruptcy for its pro-life efforts; etc.

Mr. Newman is embezzling the honor of a name, a movement, an organization, court cases, and a history that I and others paid for at a high price; a heritage in which he played no part whatsoever.

As dozens of history books already show, in the foundation and firefights of *Operation Rescue*, Mr. Newman is a cipher – unnamed and unrecognized, because he was not there. He is a fraud on a stage of real heroes, giants, and everyday men and women who took heroic steps to save babies and end this holocaust.

Almost laughably, Mr. Newman recently tried to justify his actions, stating: "...we [Mr. Newman and his "board"] trademarked the name Operation Rescue. This would ensure that the radical leftists would never be able to control a name that belongs to God and the pro-life movement.

Obviously Randall didn't have a problem with that."

Does anyone familiar with the last 25 years of pro-life history believe that "radical leftists" would try to control the name of *Operation Rescue*?

And could any detached person involved in this history believe that I, Randall Terry, "didn't have a problem with that..."?

Did Mr. Newman contact me to see if I would have a problem with that? No.

Can anyone explain to me how the name of my book, *Operation Rescue*, my video, my music CD, my D.B.A., my court cases, etc. all bearing the name Operation Rescue, "belongs to the pro-life movement?" (I know everything belongs to God. And I know that He has given me the duty to steward the name of the movement that He birthed in my heart.)

You had better believe I have "a problem with that." That is why I have brought this complaint before the TTAB.

Mr. Newman's Honest Option – Operation Rescue *West*

The resolution for Mr. Newman is actually quite simple. For probably four or five years in the late 90s and early 2000s, Mr. Newman was using the name *Operation Rescue West*. In fact, sometimes he still uses the name *Operation Rescue West* in his fund-raising appeals.

Mr. Newman could use the name *Operation Rescue West*, just like another pro-life leader uses the name *Operation Rescue Boston*.

This option has been offered to him repeatedly. He has refused.

Most readers familiar with the history of *Operation Rescue* do not even know who Mr. Newman is. As in the history book I referenced earlier, in *any book* I have ever looked at dealing with *Operation Rescue*, Mr. Newman's name is not even mentioned.

The Good Mr. Newman has done

A few readers, however, may associate Mr. Newman's name with the infamous abortionist George Tiller, from Wichita, Kansas. George Tiller has made national headlines because of his gruesome slaughter of late-term unborn children. In 1991 during the "Summer of Mercy," we held many numerous "rescues" (peaceful human blockades) at his abortuary, vigorously yet

peacefully seeking to keep him from killing children and abusing mothers in crisis pregnancies.

Mr. Newman has done an admirable job keeping public pressure on George Tiller, and is one of several pro-lifers in Wichita that have brought enormous pressure to bear on the legislature in Kansas to shut Tiller down. But for the sake of honor, we must remember that in Wichita, seasoned pro-lifers were fighting Tiller long before Mr. Newman arrived in 2001. Furthermore, much of the success in Wichita comes from people who have nothing to do with Mr. Newman.

Mr. Newman also operates "Truth Trucks." These trucks go from city to city as rolling billboards showing the haunting and gruesome images of babies murdered by abortion. They are very effective as tools to show communities the truth about abortion.

Mr. Newman is to be applauded for pro-life efforts that are legitimately his to take credit for.

However, Mr. Newman's commendable efforts with "Truth Trucks" and to stop the killing committed by George Tiller (or any abortionist for that matter) do not give him the license to steal another man's identity or heritage, to take credit for another group's work, or to unethically use the name *Operation Rescue*. (And for any pro-lifer to suggest that Mr. Newman should be allowed to continue in this charade because he is "fighting the fight" is ludicrous.)

Let him stand on his own name and laurels, not the stolen identity or laurels of others.

The history of *Operation Rescue* in local cities... and the "criminal" implications

Operation Rescue veterans will remember that at our peak in the late 80s and early 90s, many groups emerged that integrated the name *Operation Rescue* into their name.

For example, there was *Operation Rescue Atlanta*, *Operation Rescue Boston*, *Operation Rescue Northern California*, and *Operation Rescue Binghamton*.

As the founder of *Operation Rescue* -- the author of the book, the owner of the DBA, etc. -- I alone had the ability to let others use the name *Operation Rescue* within their name or the name of their city, which I did, as long as they held to principles of nonviolence, and were committed to the pro-life location is an outgrowth of their love of Christ.

Now -- I'm asking every reader to ponder very carefully what I'm about to say...

During the late 80s and early 90s, the very name *Operation Rescue* struck dread in the hearts of abortionists. Very powerful people made it their goal to destroy us in any way they could.

For example, Presidential Candidate Bill Clinton sent out fundraising letters, raising money on the promise to stop *Operation Rescue*. We were targeted -- by name -- by the man who was to become the most powerful political leader in the world. After his inauguration in early 1993, at Attorney General Janet Reno's first press conference she stated that one of her top priorities was to come against *Operation Rescue*. She was making good on his promise.

Moreover, State and Federal courts were consistently ruling that *Operation Rescue* -- because of its "civil disobedience" was "denying a woman her fundamental right to an abortion" -- and was therefore a criminal enterprise. In other words, because we were determined to disrupt the "business" of child killers, we were committing criminal acts at a local level such as trespass, but we were also committing federal crimes such as RICO or a violation of the Ku Klux Klan act.

Many pro-lifers have either forgotten or never knew that the two main judicial arguments the child-killers used against us were that *Operation Rescue* was the legal equivalent of mobsters or the Ku Klux Klan. Our argument was that if we were to be likened unto mobsters or Klansmen, then every civil rights protest group in the last 50 years -- starting with Dr. King and the civil rights movement -- would and should meet the same condemnation. Thankfully, we ultimately won these cases at the Supreme Court, but victory was many years coming.

Prior to our victories at the Supreme Court, I was being arrested, subpoenaed, deposed by the attorneys of the child-killers, brought before federal judges by federal agents, etc. Meanwhile, the abortionists' attorneys or federal prosecutors were seeking to entangle and prosecute us in a huge conspiracy network.

Pleading the Fifth Amendment became standard fare for me and a handful of others. When I could answer questions, I would, but I had to be very careful what I said. I.e. -- were we seeking to disrupt their abortion business, or trying to save babies lives? We were walking a legal tightrope, and being treated very differently than any other protest group in the nation.

I was my own "fall guy," for the Sake of Others

In 1983, during a prayer meeting, I had a vision (literally) directing me to launch

this nationwide movement. It was very vivid, very direct, and quite unnerving. Ultimately, the vision proved to be from God, because it came to pass. (But that is another story, which I promise to tell.)

Shortly after that vision (when I was unknown save to God and a handful of people in Binghamton, NY), the Holy Spirit made clear to me that one day I would be sued by the abortion industry.

At that point, I committed to structure things organizationally in such a way that would shield others from the lawsuits that were to come against me. (And they came like rain.)

Hence, there was *never* a “board of directors” or “incorporation” for Operation Rescue. If there had been, those “board members” and others would have been dragged into the lawsuits, and perhaps lost everything as well.

Moreover, I could not have any written agreements concerning the use of the name *Operation Rescue*, for such an agreement would have been evidence of a “criminal conspiracy.” One of my current adversaries begged me in the late 80s to create a royalty scheme for the money that was being raised around the nation by groups using the name “Rescue” or “Operation Rescue” in their name.

Everyone knew however – *everyone* – that the name *Operation Rescue* with no prefix or suffix was my moniker. And for many years, that understanding was honored – until now.

Cat and Mouse – the Courts and Us

In the late 80s, various courts started seizing our bank accounts, making it very difficult to function. (Before we won our cases at the Supreme Court, the harassment effect of the courts on us hovered between annoying and significant.)

We then began the multi-year jitterbug of opening multiple bank accounts, some in one state, and others across state lines. We would write a check – to find out that the check bounced, because the account had been seized by a federal court order. In retrospect, it would have been comical had it not been so annoying, and had it not been a fight between murderers and rescuers.

At one point, the National Organization of Women (NOW) actually got a court order to seize my frequent flyers miles from U.S. Airways. My response to the press – which got airplay nationwide – was that they could take a one way flight to Hades.

It was during that time that I laid off most of the staff at my national headquarters in Binghamton NY.

Sometime in early 1991 if my memory is correct, one of my closest associates, an evangelical Pastor named Keith Tucci, started *Operation Rescue National* with my blessing. *Operation Rescue National* was a distinct and separate legal entity from *Operation Rescue*, with all of the obvious legal and judicial benefits that would come from being a separate identity.

I gave Mr. Tucci access to the *Operation Rescue* mailing list (for fund-raising purposes) as well as certain members of my staff, and certain other tangible and intangible assets and helps.

My goal as the leader of the movement – and what I believed was my *duty* as well – was to create a “firewall” between Mr. Tucci and myself (as well as other leaders in the movement.) I did not want him (or others) to inherit the lawsuits that were nipping at my heels. In this effort, I was almost completely successful.

Herein lay one of our conundrums. I clearly had passed the torch to Reverend Tucci for the day-to-day planning and leadership of “national events.” My marriage was constantly on the edge of melting down, I needed a break, and Rev. Tucci was a trustworthy associate, primarily due to our similar age, and theological/ecclesiastical backgrounds. (Although when I began to drink beer – and thereby was a bad Pentecostal – a strain began to develop between us.)

We had a relationship that basically functioned in this way: he was the head of the organization *Operation Rescue National*, but I was still the visible leader of the rescue movement. (He was relatively unknown outside of a small circle of about 200 rescue leaders.) He was a courageous and aggressive visionary, as well as a dynamic speaker and an able leader who was committed to following the vision I had laid out.

For example, the historic “Summer of Mercy” in Wichita, Kansas in the summer of 1991 was Mr. Tucci’s brainchild. It was supposed to last a week; it lasted a summer.

Over 1200 of us were arrested. Mr. Tucci and I shared the leadership and preaching burdens that summer in Wichita, and had a tremendous impact on the city and the entire nation for the pro-life cause. That is -- until we and the clergy of Wichita blinked in the face of the threats of the late Federal Judge Robert Kelly. But that is another story...

Mr. Tucci and I had a very good relationship in the beginning, but it began to feel strain based on several issues that are not related to the theft of my

moniker, *Operation Rescue*. In the beginning, he was shepherding what I had built, and we both considered that it might be a temporary, rather than a permanent arrangement. I was speaking constantly at pro-life events (including his), and regularly appearing on national TV as the founder of *Operation Rescue*, but more and more of my time was devoted to my daily syndicated radio show, *Randall Terry Live*.

As it turned out, we drifted slowly apart as working compatriots. He was doing an excellent job creating and managing events; I was happy to speak as the Founder of *Operation Rescue* at those events.

I also began hosting and leading “national events” again – such as the 1992 protests at the Houston and NYC Republican and Democrat conventions (respectively), which resulted in severe court battles. (From those two conventions, I lost court battles that resulted in my losing my home to Planned Parenthood attorneys, and spending 5 months as a federal prisoner.)

I orchestrated the presentation of an aborted baby boy to Presidential Candidate Bill Clinton in NYC in 1992, for which I was sentenced to 5 months in jail for contempt of court. I was still facing that 5 month prison term which I ultimately served at the end of 1994 and the beginning of 1995.

I believe it was in 1994 that Mr. Tucci gave the leadership of *Operation Rescue National* to Rev. “Flip” Benham. This came as a surprise to me and others, but because Mr. Tucci had established *Operation Rescue National* as a separate entity (basically owned by Mr. Tucci) like *Operation Rescue Boston* is owned by another pro-life leader, and because I was busy with my radio show, and because my role in the movement was still beyond the reach of theft or a coup of any kind, I made no public statement.

Though unknown to me, it was clear that Mr. Benham had a passion to go forward at some level with the rescue movement, which was shrinking drastically due to the lawsuits, and the passage of F.A.C.E. He led events, confronted the child-killers, and spent time in jail for his efforts. He also had the great honor to be one of the Providential instruments that helped Miss Norma McCorvey (the former Roe of Roe vs Wade) come back to her faith in Jesus Christ.

Mr. Benham used the name *Operation Rescue National* for several years. Sometime in the late 1990s due to certain lawsuits against him, he began to use the name *Operation Save America* interchangeably with *Operation Rescue National*. Right now, he uses the name *Operation Rescue National/Operation Save America* or just *Operation Save America*. (I view his use of the name *Operation Rescue National/Operation Save America* the same way I view the name *Operation Rescue Boston*; i.e., it is distinct from *Operation Rescue*.)

The recent use of the name *Operation Rescue*

Now is when the story becomes somewhat murky with the malice of one or two souls in the pro-life camp. But to bring us to present, let me quickly pass through one critical phase.

The Freedom of Access to Clinic Entrances Act (F.A.C.E.) passed both houses of Congress in 1994, and was signed into law by President Clinton. F.A.C.E., combined with massive lawsuits and harsh jail sentences effectively broke the back of large “sit-ins” or “clinic blockades” or “rescues” in front of abortuaries. Our heydays were over.

Moreover, the spontaneous shootings of abortionists marred the horizon, and a handful of activists within the rescue movement wanted to abandon our pledge to nonviolence. Non-violence is a foundational commitment I’ve insisted upon then and now.) A handful wanted to at least discuss and debate the ethical viability of using lethal force against child-killers. I, Mr. Tucci, and Mr. Benham vigorously dissented.

The relative cohesion and momentum the rescue movement enjoyed under my leadership and the early days of Rev. Tucci’s leadership was gone.

However, throughout this time of intramural bickering and fracturing of relationships, it was still always clear that the moniker of *Operation Rescue* was mine. I raised and received money in the name of *Operation Rescue* in one form or another without interruption from that day until this.

Mr. Tucci and then Mr. Benham used *Operation Rescue National*, I used the name *Operation Rescue*, and other leaders and activists had *Operation Rescue* _____ (fill in the word).

It was simply an issue of honor for all players; or at least for most, that the name *Operation Rescue* was always associated with me. (And contrary to anything that any critic or adversary of mine might state, I *never* stopped using the name *Operation Rescue*, and I have reams of evidence to prove it.)

By 1996, I was entrenched in my radio show, and taking speaking engagements as the Founder of *Operation Rescue*, all the while struggling to save a marriage that ultimately ended in divorce. (My divorce and a series of false accusations revolving around my divorce also play a significant and bitter part in this story.)

However, I was not hosting “national pro-life events” in the name of *Operation Rescue* after 1991 or 1992. I did host “national events” from then until the

present – but in deference to Mr. Tucci and Mr. Benham, and to not be a target of yet another lawsuit, I hosted those “national events” in other names (*The Christian Defense Coalition*, *The Resistance*, *Loyal Opposition*, *Operation Witness*, and *The Society for Truth and Justice*). Whatever the event, I was always referred to as the founder of Operation Rescue, and that was the reason the public and press came to these events.

The funny thing is that the press never bought it. If you look at the press clipping and books written through all those years – including the stories that lie ahead in this narrative – the press still considered me Randall “Operation Rescue” Terry. Our other names were often ignored.

Unfortunately, the lack of honor I mentioned above was a problem with a handful of men. The most egregious infractions were committed by a cabal of men from Southern California, unknown by most pro-lifers outside of the inner “rescue” world, among which was Mr. Newman and a man named Jeff White.

Almost no-one reading this has ever heard of Jeff White. (For that matter, most readers have not heard of Mr. Newman.) And in case you wondered, Mr. White is the surrogate who called me with threats to destroy me.

C.S. Lewis’ Ape and Ass: Jeff White and Troy Newman

The story here turns fairly ugly. In some ways, it resembles quarreling vultures and hyenas.

The reader must remember that significant sums of money, honor, and respect were still commanded by the name *Operation Rescue* in the late 1990s and early 2000s – and still to this day.

Even though the actions of Mr. Newman bear his name and face, as with so many convoluted stories in the human experience -- both for good and for ill -- there are multiple players on the stage.

If you have read the series by C. S. Lewis entitled, *The Chronicles of Narnia*, you will remember that the last of the seven books is entitled *The Last Battle*. In it, a very clever, mischievous, and dishonest ape (*Shift*) convinces a fairly gullible ass (*Puzzle*) to cloak himself with the skin of a dead male lion, and to pretend to be Aslan.

The ape has a certain dark genius driving his greed and malice; the Mule has the ability to work hard, and the tragic inability to say no to the temptations of deceit offered to him by the ape. He knows he is not Aslan, he knows he is not

even a lion, yet he does not have the strength of character to walk away from the ape’s malevolent plans. (And in case anyone wonders, I *am* comparing Mr. White and Mr. Newman to the ape and the ass, but I *am not* comparing myself to Aslan!)

So that you can see why I would make the Narnia-esque illustration, I now quote a letter recently sent out to pro-life leaders that bares Mr. Newman’s name. Troy Newman asserts that it was Jeff White who commissioned him as the leader of *Operation Rescue*.

When Jeff White commissioned me [Troy Newman] as the next President of Operation Rescue in 1999, you would have been hard pressed to find anyone in the pro-life movement who labeled themselves by the name Operation Rescue. (Letter from Troy Newman to Pro-life leaders, dated Nov. 6, 2007, emphasis added.)

I now invite all of Narnia - every man and woman who served as a leader or lieutenant in the rescue movement during those tumultuous and exciting years; I invite every leader who attended a training session that I hosted in New York, Atlanta, Binghamton, Philadelphia, Chicago, or any place else in the nation: please explain to me and all the world how Mr. White could legitimately or ethically “commission” Mr. Newman as “the next President of Operation Rescue.” It would be laughable if it was not so sad and unholy.

Any rescue leader who served in the late 1980s and early 1990s knows that Mr. Newman’s assertion is as pathetic as it is absurd. It echoes of the ape commissioning the ass to be Aslan.

Moreover, I would like to invite Mr. Newman to give all of us whatever documentation, pictures, videos, and so forth that he might have to show this “commissioning.” Many of us would like to hear the charge Mr. White gave Mr. Newman, or the oath he took; or maybe we could see the laying on of hands from Mr. White to Mr. Newman, and watch the ceremony.

The technology exists to put such a video on line. Please, share it with us all.

It is surely possible that Mr. White told Mr. Newman that he had a chance to seize the name (and hence the heritage and the economic benefits) of *Operation Rescue* in 1999 or 2000 – or 2003. Mr. White knew that I was going through divorce, and that Rev. Benham was trying to engineer a legal dodge by not using the name *Operation Rescue National*, and that there was bad blood between Mr. White and Mr. Benham.

Operation Rescue: the Name “thrown to the Ground”

Contrary to any recent assertions by Mr. White or Mr. Newman that I have not been involved in the pro-life movement since the early nineties, they both followed my leadership up until 1997 on two key missions for life and justice.

One trip was to Hawaii to lobby the Hawaii State Legislature to ignore the Hawaiian Supreme Court, and pass a bill that would deny homosexual marriage in Hawaii.

The second trip was a protest mission to Hong Kong, during the ceremonies when the British handed Hong Kong over to the Communist Chinese. Our goal was to emphasize the fact that Chinese forced and coerced abortion had killed upwards of two hundred million babies at that point, making the Chinese government the bloodiest regime in the history of the human race. This was a fairly dicey trip, so we brought an American attorney with us in case of trouble; we were followed by Chinese police constantly, and almost arrested as we protested. The tract we distributed was “revolutionary;” it called for the demise of the Communist Government of China.

On one of those trips (and I honestly cannot remember which one) it was brought up by Mr. White that Mr. Benham had ceased calling his work *Operation Rescue National*, and begun calling his ministry *Operation Save America*.

Mr. White said to all of us who were standing there: “Flip has thrown the name on the ground, is anybody going to pick it up and use it?” It was clear from other things he said that he knew there was immense economic and media value in the name *Operation Rescue*.

I answered immediately, saying something to the effect that I and I alone, had the right to use the name *Operation Rescue*. (Moreover, only Mr. Benham had the right to use, or cease using the name *Operation Rescue National*.)

The fact that Mr. Benham was ceasing (temporarily) to use the moniker *Operation Rescue National* because of legal troubles of his own is understandable. The fact that Mr. White was behaving like a circling vulture at the moment of Mr. Benham’s difficulties was despicable.

I thought that my words would suffice to keep the vultures away.

I was wrong.

At the time I was content to let the legacy and aura of *Operation Rescue* take its place in history, knowing that many rescue leaders that emerged had gone

on to do valuable things. And I was confident (and still am) that the “seeds sown” from *Operation Rescue* in the hearts and minds of thousands of activists would play a key role in the ultimate defeat of child-killing in America.

Moreover, I was still using the name *Operation Rescue* for media purposes, speaking engagements or commentary, seminars, and I was not going to countenance someone stealing the name for filthy lucre, or false publicity.

My sentiments of disgust were not the only ones recorded. On both of those trips – Hawaii and Hong Kong – Rev. Bruce Moore was present. Rev. Moore is my friend. He is a successful 56 year old Assemblies of God pastor who has been in the ministry for over 30 years, and in the pro-life movement for 25 years. He has served in key battles in his home state, around the country, and around the world.

Rev. Moore weighed in against Mr. White’s and Mr. Newman’s machinations that night. His comments to Mr. Newman and Mr. White at that time were both prophetic and insightful as they skulked toward the illegitimate use of the name *Operation Rescue*.

Rev. Moore boldly told them: “You guys are acting like vultures. All you care about is money.”

Rev. Moore’s observations go beyond the theft of the name *Operation Rescue*. He states:

Without Randall Terry, none of these men – Troy Newman, Jeff White, Flip Benham, Pat Mahoney, Keith Tucci – none of them, would even be in pro-life leadership. Randall helped most of them start their ministry; he taught them how to hold events and raise money; he helped them get established. And then, when Randall was down, they kicked him and tried to destroy him. Their behavior has been a disgrace – and in my opinion, this whole thing with Jeff and Troy is about money. Nothing more, nothing less.

Without Randall Terry, there is no Operation Rescue. I must note for the record that Rev. Moore is not a full time pro-life activist. He is an ordained minister who has pastored the same vibrant, active church for 20 years. He is in full compliance with the constitution and by-laws of his denomination. He has no financial stake; no mailing list; nothing to lose or gain due to my struggles.

Who is Mr. Newman’s Ghost Writer?

Earlier I quoted a letter sent from “Troy Newman” to pro-life leaders on Nov.

06, 2007. In reality, I doubt Mr. Newman wrote the letter. My guess is that it was written by Mr. White.

Mr. White is a professional "copy writer" and perhaps Mr. Newman's ghost writer – which means he writes fundraising letters for other people, in their name. (Perhaps we will find out for sure when the depositions begin – but maybe not. I have seen Mr. White lie in court before, and I know from personal experience that is he quite ready to lie in this proceeding.) I have read Mr. White's work for years; Mr. Newman's letter on Nov. 6, 2007 bears Mr. White's style and markings.

Conversely, what I am about to show you is a letter from Troy Newman to several ministers. When you read these words – you will know why I would never in a million years allow Mr. Newman to claim he is the President of *Operation Rescue*. This letter has not been edited; it appears exactly as it was originally sent.

From: troy newman [mailto:newman.troy@gmail.com]
Sent: Monday, November 26, 2007 12:35 PM
To: Mark Holick
Cc: Flip Benham; Rusty Lee Thomas; Mark S. Gietzen; heartbeatministries@hotmail.com
Subject: The babies

To Mr "ALL I KNOW HOW TO DO IS TYPE IN CAPS"

In days gone by real men settle disputes like men. I'm still up for it, you?

Today girlie "men" use emails and slander like gossip little school girls to get their dirty work done. You babies can pout all you want. Cry to mommy. Whatever.

I am a member in good standing in my church (6 years and counting) and an elder too. You babies have all been thrown out of your denominations Flip was tossed, and so was baby girl mark. That other guy Dannny was tossed out too or split his church. How many churches has Donna been through, hmmm.

Keep whinning wussy boy. Why don't you all suck it up and act like you have (or should I say had) a pair.

In the mean time, here I am, not letting the sissy run me off.

We own the old Central abortion mill, now it is Operation Rescue's national headquarters. Oh yea baby! Oh yea!

How are those sour grapes??

Now stick this in your little school girl file and email it to other wussbags like yourself so they can all say ohhhhh nooooo.

Even a child is know by his ways.

The above letter was written by Troy Newman, and sent to four ordained evangelical ministers. I suggest you read his letter a second time. Note that this letter was sent out about 3 weeks after Mr. Newman sent out his deceitful letter about me to pro-life leaders across the nation. Look at the style and grammar differences. Are we *really* to believe that the same man wrote both letters?

There are many things that I could say about the arrogance, the irreverence, the adolescent immaturity, of these men (to say nothing of the grammar and spelling.)

Frankly, Mr. Newman's letter neither needs nor deserves my commentary, except to say it would be irresponsible of me to allow the charade to continue that somehow Mr. Newman is the legitimate leader of *Operation Rescue*.

Also, Mr. Newman's not-so-subtle offer to physically fight one of the pastors is not isolated; it is repeated. Here is a first hand testimony of Rev. Rusty Thomas concerning Mr. Newman challenging him to fight.

During Judge Roy Moore's courageous battle to preserve the Ten Commandment monument in the Alabama Supreme Court, I had an

unpleasant encounter with Mr. Troy Newman in which he literally challenged me to fight him. He walked up to Rev. Flip Benham, National Director of Operation Rescue National/Operation Save America and me and stated, "You don't see no fear in my eyes, do you?" I called him aside to deal with this confrontation. The two main issues I dealt with were his breaking of his word to remain under Flip's authority as he moved to Wichita, KS and his using his Presbyterian Church as a cover that enabled him to bring division and hurt God's work locally in Wichita and nationally. When confronted again with the truth, he was reduced to a little boy and began to chant, "Stop it Rusty! Stop it Rusty!" Finally in a fit of frustration he yelled, "Let's fight Rusty, so we can get bloody and be friends again." I replied, "You are on the wrong battlefield, my friend." Our conversation ended there.

Mr. Newman and the problems in Wichita

These outbursts from Mr. Newman are neither isolated nor unusual. His troubles with the above-mentioned men and other pro-life leaders in Wichita are well documented and unfortunately, very public in Wichita. (And those problems go well beyond the theft of the name, *Operation Rescue*.)

Rehashing those problems is not the point of this letter, but it is worth referencing to show that Mr. Newman has a significant series of breaches in Wichita and with pro-life leaders around the nation.

As startling as it seems, Mr. Newman actually served in Wichita under the authority of Mr. Benham, Director of *Operation Rescue National*. Shortly after his arrival, many relationships in the area were soured, and Mr. Newman was asked by Mr. Benham to leave Wichita, and go to work with Mr. Benham, or with one of two other evangelical ministers in other parts of the country – Mr. Rusty Thomas (quoted above) or Mr. Tucci.

This was offered to Mr. Newman as a chance for him to learn from those older and more experienced than him. Mr. Newman refused, and broke off his relationship with those to which he promised to work and submit.

As relationships deteriorated in Wichita, a public letter was written and signed by four pastors in Wichita (Pastor Daniel Thompson, Pastor Mark Holick, Pastor Leon Hiebert, and Pastor David Meadows) concerning the divisions and heart aches that Mr. Newman created in Wichita. Here is an excerpt.

In regards to our relationship with Troy Newman and the ministry of Operation Rescue West of Sacramento California, we the local pastors directly involved with the

ministry of Operation Save America- Wichita issue the following statement:

Shortly after his [Mr. Newman's] arrival, we begin to experience certain problems.

We the local pastors appreciate Troy's desire to end abortion in our city. But we do believe there are certain beliefs that Troy holds that are inconsistent with the vision of Operation Save America- Wichita and the Scriptures. We also found the nature of some of his conduct to be divisive, self-willed, self-serving, untruthful and lacking the spirit of genuine humility. Due to these matters, we feel prohibited from working together at this time.

We can only imagine the level of distress and conflict that existed that would have motivated these men to write such a public statement.

Mr. Newman's Long Pattern of Deceit and being "Untruthful"

It is critical to note: the ministers state that Mr. Newman was "untruthful." This was *before* Mr. Newman hijacked the name *Operation Rescue*. Being "untruthful" unfortunately appears to be normal for Mr. Newman.

For example, please note that in the tirade from Mr. Newman reprinted above, he said that he was "a member in good standing in my church (6 years and counting) **and an elder too.**" (Emphasis added.)

Unfortunately, this is another lie. He is not an elder in his church.

At the time of this writing, (Easter Season, 2008) Mr. Newman attends Heartland Community Church, at which Rev. George Granberry is the Senior Pastor.

Pastor Granberry was recently asked by Wichita Pastor Mark Holick if Troy was in fact an elder at the church, as Mr. Newman claimed in his letter to the pastors.

Pastor Granberry wrote to Pastor Holis on November 29, 2007, stating:

The only point I can clarify right now is that **Troy is not now nor has ever been an elder at Heartland.** (Emphasis added)

Please note – this is the man who pastors the church at which Mr. Newman claimed he was an elder. Pastor Granberry is a Presbyterian Clergyman, who without question has a substantial amount of training, a man who has a “session” (similar to a board) to which he is accountable; a man who has no “axe to grind” in this fight.

Mr. Newman lied when he said: “I am a member in good standing in my church (6 years and counting) and an elder too.”

The truth, as stated by the Pastor of that Congregation, Rev. George Granberry is: “...Troy is not now nor has ever been an elder at Heartland.”

Mr. Newman lied when he told the Trademark Office that he had been using the name *Operation Rescue* since 1991. The truth is that the earliest he started using the name – unethically and fraudulently – was in 2003 or 2004.

And as you will see, if you read the next part of this series, the letter from Mr. Newman to pro-life leaders entitled “Why OR and Troy Newman is NOT going to Philly for Thanksgiving!”, dated November 06, 2007, is a litany of “untruths” and deceit – in his attacks on me, and his assertions about himself.

For the sake of my family’s honor, for the sake of history, and for the sake of those who have supported our work, I will hold Mr. Newman accountable concerning that letter – every line of it. I will deal with the lies of that letter separately, with the following two exceptions.

First, concerning the suit I have brought, Mr. Newman stated:

“He [Randall Terry] wants Operation Rescue, he wants our website, he wants our mailing lists, and he is demanding I give him everything even though none of it ever belonged to him.”

This is another bald faced lie.

Mr. Newman and his attorney have every pleading, every piece of paper ever filed in this case. I here, now, demand that Mr. Newman produce one shred of evidence to support such an absurd and deceitful claim. (He will not, for he cannot.)

I have *never* asked for Mr. Newman’s mailing list. I do not want it.

I have NEVER demanded Mr. Newman “give [me] everything.” The assertion is ludicrous.

But moreover, neither the Trademark Office, nor the TTAB *have the authority to fine Mr. Newman, or award me damages, or give me anything that Mr. Newman owns – legitimately or otherwise.*

This is not a “lawsuit” to win something from Mr. Newman. It is simply to cancel his fraudulent registration of the “trademark” Operation Rescue. That’s it.

His claim that I want him to “give me everything” is a lie. I again invite Mr. Newman to show us ANYTHING in any of the trademark proceedings, or any correspondence from me or my attorneys that would substantiate his claim.

His assertion that I want the Internet domain name *Operation Rescue.com* (and other similar domain names he’s registered such as *randallterry.net*) is ultimately true. That is the whole point of this proceeding – who owns the name *Operation Rescue*. However, I do not want the content, design or files that constitute the site, I just wish to recover the name.

The dark reality is that it is not Mr. Newman, but *Mr. White* who currently holds the registration for the websites bearing the name of Operation Rescue. He did it in the late 90s. Again, we see the machinations of the ape.

Had I known then that Mr. White would act to fraudulently acquire the domain names for himself, I would have secured possession of the those names quickly and efficiently. Unfortunately, I did not know this, nor did I understand my own rights to take possession of the names that are, by rights, my own.

Isn't it odd that Mr. White recently purchased *randallterry.org*; *randallterry.tv*; and *randallterry.net*. Why do you think he purchased them? It is to harm me, to malign me, to make good his threats to try and “ruin” me.

We will also do what we need to do to get those domain names out of Mr. White’s control.

What we offered Mr. Newman in mediation is that I would turn the *Operation Rescue* website into a Historical Site, focusing on the “golden era” of 1986 - 1996. We also offered that he could have a link prominently displayed on the front page, so that anyone who wanted to know about his work in *Operation Rescue West* could do so. We would also put a link to other pro-life groups who still incorporate the name *Operation Rescue* or *Rescue* into their name.

The other lie I will deal with here is this: “If you hold a position of influence over Randall Terry, please ask him to submit to Christian mediation...”

At the very time Mr. Newman sent this to pro-life leaders, Father Frank Pavone (National Director, Priests for Life) was working intensely to mediate this situation, and to keep this from becoming a public scandal.

I agreed to Father Pavone's efforts, and did everything Father Pavone asked me to do, *including not making any public statement about this entire matter for over a year*. I sent out no press release, nor any letters about Mr. Newman, etc. Not a single public statement was made about this by me or my associates.

By contrast, Mr. Newman, Mr. White, or their surrogates sent out at least 4 slanderous and dishonest representations of me and this proceeding, trying to damage my credibility in the pro-life movement, and engender false sympathy for Mr. Newman.

Sadly, judging from the initial emails and phone calls I received, their plot for sympathy worked – in the short run.

But as I often say: Truth has within it the seeds of its' own victory; lies have within them the seeds of their own destruction.

Father Pavone worked for months to arrange an accord, offering to mediate a private conversation between Mr. Newman and myself. This false dance went on for months.

On January 15, 2008, my attorney wrote Mr. Newman's attorney concerning yet another attempt at mediation, stating:

I have learned from Father Pavone that your client would be favorable to a dismissal without prejudice of the present cancellation proceeding to allow the parties to mediate without the pressure and backdrop of litigation. My client is also favorable to an agreed dismissal without prejudice. (FRCP 41(a)(1)(ii)). If this is agreeable to your client please let me know. I would hope to hear from you within 48 hours so that my client can get back to Father Pavone.

Mr. Newman's attorney wrote my attorney the same day:

...if your client is willing to reimburse my client for the legal fees he has had to expend to defend against your client's claims, which essentially puts both parties back in the position they were before this action was initiated by your client, he would be willing to consent to a dismissal without prejudice.

Father Pavone had a private donor, willing to pay Mr. Newman's legal expenses, as Mr. Newman requested.

Father Pavone then contacted Mr. Newman directly, and told him that a donor would be willing to do what he had requested; i.e., reimburse him for all his legal fees, so that he and I could agree to withdraw the case without prejudice, and try to settle this in Christian mediation.

Mr. Newman then refused, and did not respond to Father Pavone's repeated further efforts to reach him and work out the details for withdrawing the case. Mr. Newman rejected the very terms that he and his attorney gave us in writing (above); *terms that the attorney said that Mr. Newman had agreed to.*

So, if you are one of the pro-life leaders who got Mr. Newman's email letter dated November 6, 2007, you were lied to. And for those of you who contacted me directly or through surrogates, I hope you have a little better grasp of the situation. And I thank you for having the smarts to contact me directly, and not let this rumor mill continue to grind out fabrications and lies.

And by the way, a Christian attorney – Michael Hirsh – who used to be the Director of *Operation Rescue Atlanta*, also offered to Mr. Newman to mediate this situation long before Mr. Newman sent out the letter telling people to get me to go to mediation. (The brazen way in which Mr. Newman lies is mind boggling to me.)

But enough of this bantering! Let's cut to the law in this matter!

Our legal position: The "Jimmy Buffet Defense..." "Wastin' away here in *Margaritaville*"

The case law in matters like this favors us distinctly. We call it the "Jimmy Buffet defense." (Those who like "classic rock" and the song in question will enjoy this. Those who don't can wait for the disco remix to hit the dance floors. ("Wastin' away, here in *Margaritaville*...") The TTAB set up a four-pronged test in reference to a case between Jimmy Buffett and Chi-Chi's Restaurant. Chi-Chi's applied to register the trademark *Margaritaville*, even though it knew that *Margaritaville* was famous because it came from Jimmy Buffett's song. Likewise, Mr. Newman registered the name *Operation Rescue*, knowing full well that it is famous because of my work, and knowing that people would assume a connection with me.

Mr. Buffett argued that the name *Margaritaville* was indistinguishable from himself; he argued that in the public mind, that he – Mr. Buffett – **is** *Margaritaville*. We, therefore, on the same grounds, are arguing that the name *Operation Rescue* is interchangeable or inseparable from me.

Furthermore, Mr. Buffett argued that the economic interest of Chi-Chi's was due to the fame of the name *Margaritaville*. (Otherwise, why would they want it?) Likewise we argue that the economic interest Mr. Newman has in the name *Operation Rescue* is due to the fame of the name – which I established.

Here is the law, plain and simple

I leave you, the reader, to read the clear language of the law, and judge for yourself. Remember, I am the plaintiff; Mr. Newman is the defendant, and the “mark” is *Operation Rescue*. [A “mark” is what the TTAB calls a trademark.] We claim he falsely registered my mark – *Operation Rescue*.

...the Board now requires that a plaintiff asserting a claim that a mark falsely suggests a connection with persons, living or dead, or institutions, demonstrate (i) that the defendant's mark is the same or a close approximation of plaintiff's previously used name or identity; (ii) that the mark would be recognized as such; (iii) that the plaintiff is not connected with the activities performed by the defendant under the mark; and (iv) that the plaintiff's name or identity is of sufficient fame or reputation that when the defendant's mark is used on its goods or services, a connection with the plaintiff would be presumed.

Under (i) we should prevail because the “mark” *Operation Rescue* is the exact same name that I have previously used;

Under (ii) we should prevail because everyone recognizes the mark *Operation Rescue* as the pro-life group and movement founded by me – which is exactly why Mr. Newman wants it;

Under (iii) we should prevail because I'm not connected in any way with the activities of Mr. Newman that he parades under the mark *Operation Rescue*;

Under (iv) we should prevail because my name and the identity of *Operation Rescue* is of sufficient fame or reputation that when Mr. Newman uses it, a connection with me would be presumed, is exactly what is happening.

And of course, there is no connection with me. Here are a couple of examples of the confusion and deception that the above four points of law deal with precisely.

I was recently at a large Catholic family event. I spoke for a few minutes, and had the joy of meeting dozens of devout Christian pro-lifers. No less than three people came up to me, shook my hand, and profusely thanked me for my years of leadership in the pro-life movement and my work in *Operation Rescue*. They then proceeded to tell me that they supported my work

(*Operation Rescue*) financially -- in Wichita, Kansas. This of course has nothing to do with me -- it is Mr. Newman's illegitimate use of the name *Operation Rescue* – the name that any knowledgeable pro-lifer associates with me.

Here's another example: I recently spoke with two pro-life leaders, who are both 20 year friends of mine. They heard about the suit, and told me that they thought I had given or bequeathed the name *Operation Rescue* to Mr. Newman, or that we had some kind of economic agreement, and that he was using the name with my full cooperation. In other words, they presumed a connection between Mr. Newman and me.

They were both stunned to find out that Mr. Newman was using it without my consent, and that I and others have repeatedly told him he had no right to do so.

The reason so few people know that I have not given Mr. Newman any permission to use the name is due to the fact that I did not want to publicly humiliate him for his behavior. I was giving him a chance to come clean quietly, without public scandal. He rejected that option. Now his deceit is in full public view, and history will hold him in contempt for his charade – if it remembers him at all.

Here's a final example -- and this is almost funny -- I recently did a lengthy interview for a Catholic newspaper. At the end, the writer of the story glowingly told people that they could contact me and support our work financially at the *Society for Truth and Justice* address in Florida, or my *Operation Rescue* office in Wichita, and then proceeded to give both addresses! (And of course, I have nothing to do with the Wichita address!)

On other legal note: the Buffett case established a principle (carried forward in the *Marc Chagall* case) that a famous name, such as *Margaritaville*, or *Operation Rescue*, could not be separated from its originator.

By the way: Jimmy Buffett is the registered owner of the *Margaritaville* trademark; Chi-Chi's is bankrupt.

Mr. Newman's Legal Theory – it's about Money

Mr. Newman takes the position that since I have not hosted any **events** that I called *Operation Rescue* since the early 90s, that I no longer have any economic interest in the name *Operation Rescue*, and thus have “abandoned” the trademark *Operation Rescue*. And since it was “abandoned” (in his

deceitful logic), he had the right to take the name for himself – knowing the huge economic and media value it had.

In other words, by Mr. Newman's own admission he declares that this is all about *money*. He is *capitalizing* – making filthy lucre – on the history, legacy, and respect generated by the name *Operation Rescue*, when he knows full well that he had absolutely nothing to do with its origins, and played no part in the sacrifices and hardships that defined that name, or the movement it spawned.

Let's face it: when Chi-Chi's attempted the theft of the name *Margaritaville*; they just wanted to make money selling tequila using a name created and made popular by someone else. In my opinion, Mr. Newman's (and Mr. White's) attempted theft is far more vile; they want to make money and enjoy notoriety from the labors, sacrifices and hardships I and others - ironically, including Mr. White – endured to save innocent children from murder.

One other note: Mr. White attempted the theft of the name *Operation Rescue* in the mid 1990s, when Mr. Benham was using the name *Operation Rescue National*. Mr. White sent out a letter raising money, and inviting people to an event he falsely claimed was *Operation Rescue*. He was quickly and firmly dealt with by Mr. Benham, Mr. Tucci and me, and other rescue leaders in Louisiana at a large national event. Here is Mr. Benham's recollection:

We were shocked to find out that White had sent a mass fund raising letter in the name of "Operation Rescue." This caused great confusion among those on our mailing list because they thought the two events were one and the same.

I called him immediately and told him that he had no authority to use the name "Operation Rescue" for any reason whatsoever. The name of his group was "Operation Rescue California." He had already been disciplined by the leaders of Operation Rescue National, for these same kind of shenanigans a year earlier in Birmingham, Alabama.

It was in New Orleans that Randall Terry, Keith Tucci, and I confronted Jeff White over the phone and made it crystal clear that he had no right and no claim to the name "Operation Rescue." We demanded that he cease and desist from his profiteering off of the name "Operation Rescue." At that time he agreed. Unfortunately, in the long run, these efforts were to no avail, for Jeff White had our mailing list (I do not know how) and was going to raise money in any manner he saw fit.

Seeing the force arrayed against him, Mr. White dropped the scheme, and actually sent some of the money to Mr. Benham that he had falsely raised.

Unfortunately, as Mr. Benham here alludes to, Mr. White's greed and avarice were not extinguished – but merely smoldering - as he lay in wait. His ill-intent resurfaced in this current matter, and he and Mr. Newman have been collaborating in this sham for a few years. God have mercy on both of them.

Some Personal Reflections on History

No matter what happens, I've chosen to leave this written account and analysis of the situation for the sake of historians. An in depth book looking at the history of *Operation Rescue* will be coming from my pen. God willing, it will be soon.

I believe that long after I have left this life, that American history books, books on social movements, books on rhetoric and leadership for college and university classes, etc., will be talking about the Rescue Movement in general and *Operation Rescue* in specific.

Even if I lose every trademark and court proceeding; even if I lose all appeals; (and believe me, I will appeal this to the last possible court of law) I am confident that this document will be part of future histories and discussions. Journalists, historians, etc. will know that the name *Operation Rescue* was hijacked for a season by men who lack common decency, honor, and character.

Without question, there are many pro-life leaders and activists will breathe a sigh of relief that I have finally issued a public statement. Perhaps a few fine men and women will disagree with me for having done this. I have sought much counsel from men and women who I respect; pastors, priests, and laity. I've searched my heart and prayed more times than I can recount.

Please indulge me for one more moment while I give further reasons for doing this.

First, I believe that history has proven and will continue to prove that I and the name *Operation Rescue* are inseparable.

Following are a few facts to prove my point:

Operation Rescue is the dba ("doing business as") for Randall Terry that I filed in Broome County NY in 1987.

Operation Rescue is the copyrighted title of my best-selling book, *Operation Rescue*, with forwards written by the late Drs. Jerry Falwell and D. James Kennedy, as well as Dr. Pat Robertson.

Operation Rescue is the copyrighted name of the 28 minute television production that I wrote and produced; this video was distributed by the tens of thousands, as well as shown on dozens of television stations and Christian television networks. It is still being distributed today.

Operation Rescue is the copyrighted name of the music CD that we distribute and I own the rights to; a compilation of pro-life songs written by various Christian artists, including two songs written by myself.

NOW. vs. Operation Rescue -- the companion case of the lead case, *NOW. vs. Scheidler* -- is one of my Supreme Court cases, in which I was defended by the ACLJ for years. This was a key victory in which the court ruled that RICO laws (Racketeer Influenced and Corrupt Organizations) cannot be used against pro-life protesters.

When I recently led in the fight to save Terri Schiavo's life, a 25 year media veteran bemoaned my presence, referring (as a slur) to me as "Randall 'Operation Rescue' Terry."

In short, my defense of the name *Operation Rescue* is personal and visceral. I freely admit -- I view this attempted identity theft as an attack against me personally.

Operation Rescue is part of my legacy. *Operation Rescue* -- as a socio/political phenomenon, is unparalleled in American history. The "Rescue Movement" is the largest peaceful civil disobedience movement in U.S. history.

For example, the Civil Rights Movement under the leadership of Martin Luther King and others logged over 7,000 arrests for peaceful protest from 1958-1968. That incredible, courageous movement helped break the back of Jim Crow laws that institutionalized racism on a multitude of fronts.

By contrast -- from 1987- 1994 -- the Rescue Movement under my leadership and that of others, logged over 70,000 arrests in a 7 year time span. By counting arrests for peaceful civil disobedience, the Rescue Movement was ten times larger than the Civil Rights Movement. *Operation Rescue* was at the vanguard of the Rescue Movement; *Operation Rescue* has a key role in the pro-life movement in particular; and *Operation Rescue* has a significant place in the history of American protest movements.

The number of clergy arrested in *Operation Rescue* outstrips all other protest movements. For example: I led one "rescue" in NYC in 1988 where 51 clergy were arrested on a single day; on another day in Wichita in 1991, 70 clergy were arrested at once in an "all clergy" rescue. I helped organize that event. (I am not, nor was I ever an *ordained* minister, so I did not participate.) As far as

we know -- (and I welcome the rectification of any historian who can correct me) these 2 days show the largest number of clergy arrested at one time for the cause of Justice *in any socio/political movement in American history*.

Furthermore, no credible person disputes that I am the founder of *Operation Rescue*, and no one disputes that I was the leader of the rescue movement when we were at our height, getting arrested by the tens of thousands, and making national and international headlines in our efforts to save children and mothers from the crime of abortion.

Some Reflections on Personal Cost

Another reason for my bringing this fight public is the personal cost that I paid to found and lead *Operation Rescue*.

As St. Paul wrote -- "if I must boast, I will be a fool, and boast in my hardships and sufferings." (See II Corinthians Chapter 11)

I lost my home and my life savings to NOW and Planned Parenthood attorneys after years of litigation -- all for my peaceful work to rescue children and mothers from this holocaust;

I've been arrested over 40 times for peaceful activities against child-killing;

I've spent over one year of my life incarcerated, including two Christmases, one Thanksgiving, and I don't know how many family birthdays;

In 1994-1995 I served 5 months as a federal prisoner for planning the successful presentation of an aborted baby boy (Baby Nathan, named after the prophet who confronted David) to Presidential candidate Bill Clinton during the Democratic National Convention in 1992;

I have had my life threatened repeatedly; some of the threats were severe enough that police or Federal agents were involved;

My children have received death threats because of my work;

I was in danger of rape in jail;

I was driven into bankruptcy by the abortion industry -- on the day I filed bankruptcy in November of 1998, I had state and federal lawsuits in which I and/or Operation Rescue were named defendants in over 25 jurisdictions in the United States;

I have been voted the number one man in America to hate by various feminist groups; I've been maligned and misrepresented by enemies in the pro-abortion movement and the press, as well as slandered by adversaries in the pro-life movement;

I have had two separate pieces of federal legislation passed against pro-lifers that were the direct result of my work.

And as far as I know (and I welcome any historical correction), I am the only pro-life leader who has actually lost everything to the child-killers for peaceful activism on behalf of the children.

For anyone who is uncomfortable by this "boasting" -- I beg your forgiveness -- and I will stop here. This is not a tale of woe, but when I fight for the name *Operation Rescue*, I want people to have a glimpse of the cost I paid as the Founder of *Operation Rescue*.

And for the record: I keep a very "Catholic" perspective on my trials. Losing my home was a bitter pill, going to jail was hard, and being slandered has been a grievous wound; *but I have not been martyred*.

Thank God, I am still alive, and I am still in this fight. And I would lose my home all over again if it would help bring this holocaust to an end. Furthermore, in the light of 2000 years of Christian history that is graced and bejeweled by multitudes of sacrificial victims, my hardships pale in comparison to those endured by Saints and Martyrs.

But my hardships are my hardships nonetheless; and they are the direct fruit of my being the Founder and leader of *Operation Rescue*.

So while Mr. Newman seeks to capitalize on and profit in any number of ways from the hardships and suffering of mine and others *in which he took no part whatsoever*, I will oppose and expose his fraudulent claims.

In fact, *Mr. Newman was not arrested one single time in an Operation Rescue event*.

I began my pro-life vocation in 1983. The trials and historic moments listed above took place at a time when Mr. Newman was perhaps in high school or in college, and then working in the computer field.

My Duty – to Friends and Strangers

Another reason I am releasing this public statement because it is my duty to do

so. No one other than me as the Founder of *Operation Rescue* can make this definitive statement, because no one other than me has a legitimate right to the name *Operation Rescue*. It falls to me to decisively deal with this farce, and leave a clear historical record.

I'm doing it because I love history, and because history matters. If I were to let Mr. Newman continue in this pretense, it could have the inevitable outgrowth of rewriting or distorting history.

Please hear me: I am *acutely aware* that many hardships and sacrifices were born by others besides me. Many dear men and women -- some of whom have died since their participation with *Operation Rescue* -- had courageous efforts, and paid a steep price. Many of them were incarcerated frequently; a few of them spent more time incarcerated than me.

For the sake of history -- *their history* -- I will not sit by and let Mr. Newman hijack their history of hardship and valor. Those dear friends who worked side by side with me -- some alive here, some with God, and some who no longer consider themselves my friends -- trusted my leadership and judgment. I will not let their sacrifices be prostituted by Mr. Newman and Mr. White.

I live and work with the unshakable assurance that child-killing will be made illegal again in America, in my lifetime -- if I get to live a normal length life. When that happens, *Operation Rescue* will be a key part of the history that will be written (for history is almost always written by the victors). I will do everything in my power to ensure that when that history is written, the role of *Operation Rescue* is clear, as well as the role that certain individuals did or did not play in the rescue movement.

Next, I do this for the sake of others who are being deceived at this very moment; the media, contributors, new pro-life activists, and veteran pro-life activists who do not know what is truly happening with Mr. Newman and the identity theft and unethical use of the name *Operation Rescue*.

And finally, in a very real way -- it is in *Mr. Newman's* interest for me to do this. Whether Mr. Newman truly believes that he is justified in his present course, or whether he is haunted by his conscience and the Spirit of grace, only God knows. But a jolting and honest rendition of the facts such as you now have may prove to be a redemptive act for his soul.

Whatever justifications he is using -- to the point where he would actually bear false witness on a legal federal document -- it is not in his interest in time or eternity to continue in this deception.

I ever have before me my own feet of clay. One reason I have extended mercy

to Mr. Newman and others for as long as I have is because I want mercy for myself. Blessed are the merciful. But it is no mercy to let a thief continue in his thievery if it is in your power to stop him. I beg your prayers. May God have mercy on me, Mr. Newman, and on all of us.

Breaking My Self-Imposed Silence

If someone does a "Google" search on my name, they will find *tens of thousands* of "hits."

Many of those articles and websites contain allegations against me that are untrue.

Frankly, in the last nine years (from 1999 – 2008) I have endured a steady stream of slanders and false accusations, as well as the attempted theft of my name and heritage.

For nine years, as an act of personal discipline and what I hope was genuine piety (as opposed to genuine stupidity) I chose to hold my tongue, to not defend myself, and on a few occasions to allow others to defend me.

That was my decision.

But now, my policy of silence has come to an end.

It is now my decision to speak definitively on the issue of the name *Operation Rescue*, and concerning slanders against me and my family propagated by some of the same unscrupulous and mean-spirited Christians who have been a part of the charade concerning the name, *Operation Rescue*.

I now believe that it is time -- for the honor of my family, for the sake of my four small sons, for the sake of my wife, and for the sake of the work in which I am entrenched to end legalized child-killing in America -- that I deliberately and painstakingly write about the truth.

I am fully aware that after releasing this statement a fresh flurry of false accusations and railings might surface against me.

So be it. Due to the Internet, false accusations against me never go away, no matter how old or new they are, no matter how big the lie.

And my detractors - a handful of men I call the *Cannibals for Christ* – have not ceased trying to do me harm to this very day, including trying to steal my name

and my heritage. So I don't expect the end of my silence to bring the end of their unethical behavior.

My next installment of this three part series is entitled *False Witnesses*, and deals with a host of lies being spread about me by Mr. Newman, Mr. White, and a handful of other unscrupulous men. The third part will be called, *The Excommunication of Randall Terry*, and will deal with my divorce and "censure" from a small local congregation in 1999.

I have made this brief record about *Operation Rescue*. I leave it to the readers – men and women of good will – to judge this matter, and to judge between me and them.

In Christ's wounds kept.

Randall A. Terry

Founder, Operation Rescue
Easter, 2008

Pre-publication Comments on *Operation Rescue Identity Theft*

I was with Randall Terry and Operation Rescue from 1988 on, before Troy Newman and Jeff White got involved. This history of *Operation Rescue* is dead on accurate. My only critique is that Randall has **gone beyond the boundaries of kindness and patience in dealing with the lies and thievery** of Troy and Jeff, concerning their attacks on him personally, the damage they have done to the pro-life movement, and their seditious plot to obtain the name, mailing list, ministry resources and honorable reputation due to *Operation Rescue*. It's about time that Randall told the truth, and defended his calling to rescue the unborn; God's calling on Randall's life is 'without repentance.'

Reverend Bruce Moore
Pastor, Clearcreek Christian Assembly

(Over)

As this paper clearly shows, God used Randall Terry to found and lead *Operation Rescue*, which I and my wife Michele had the privilege of being involved in. I was in Jacksonville Florida with Tory Newman in January/February 2005, driving one of the “Truth Trucks,” when Troy met with Randall Terry to discuss the name, *Operation Rescue*. When Troy returned from the meeting, he said that Randall wanted him to stop using the name *Operation Rescue*. He [Troy] indicated that he was not willing to do that.

Jeff Herzog
Former Staff of Troy Newman

* * *

As one that has had first hand knowledge for years concerning the thefts, usurpations, and lies perpetrated by Mr. Troy Newman, I pray Randall Terry's document will set the record straight, restore true history, and lead Troy to repentance and the acknowledgement of the truth.

IN KING JESUS' SERVICE,

Rev. Rusty Lee Thomas, Elijah Ministries

* * *

I served with Randall Terry in Operation Rescue beginning in 1989; I later served with Rev. Keith Tucci in Operation Rescue National, and to this day I have worked with Rev. Flip Benham in Operation Rescue National, and Operation Save America.

Having been in this movement for nearly two decades, and having read *Operation Rescue Identity Theft*, I can testify to several things.

First, Troy Newman's use of the name Operation Rescue is nothing less than theft. I have personally confronted him, and told him in the clearest terms that he has no right to use that name.

Second, Troy has a divisive nature. I have personally witnessed his divisive behavior in Wichita, Kansas while I was serving there with Operation Save America during several pro-life events there.

Third, Troy has displayed an arrogant disregard of the local leadership in Wichita, and national leadership as well. I witnessed many incidents when he conducted himself in an inappropriate manner towards his fellow Christian brothers and sisters, in total disregard towards those placed in leadership. There are many incidents when he failed to be humble and submit to those God had placed in authority. Even when he met with those leaders he refused to submit to their authority.

Finally, it is my hope and prayer that Troy will repent of his theft, his divisive nature, and his arrogance, and restore himself to God and his Christian brothers and sisters.

Rev. Robert Behn
Executive Director, Last Call Ministries

* * *

I am a historian by academic training and by profession. I've read Randall's account of the history of Operation Rescue. It squares with the facts and is well argued and well documented. Troy Newman's claim to the name Operation Rescue is historically preposterous.

I first met Randall Terry in July of 1988, speaking at a Baptist Church on the north side of Atlanta, preparing a large group of ordinary, committed Christians to take direct action to halt the murder of innocents. What impressed me then, is what still impresses me. Randall is radically committed to following Jesus. What he preached that night was repentance and the good news of the Gospel. Over the next five years, I participated in several other Operation Rescue events in DC and elsewhere. I was Randall's driver at the second Washington DC OR event. I've been a co-host on his radio show. I've organized speaking engagements for him, planned events with him, debated political strategy and tactics with him, and spoken at events he's organized. I know who was involved in leadership at Operation Rescue and it never included Troy Newman.

Over the years, as I’ve gotten to know Randall better, it’s become clearer and clearer to me that his is a prophetic voice, sounding a trumpet, calling the church to stand firm for the truth, for the ancient paths, and for the Lord. Randall has a keen intellect and a quick wit. He is a natural, gifted leader. God used him to found and lead Operation Rescue – one of the most historically significant movements of the 20th century. No matter what his role, Randall has always been the leader of Operation Rescue. Randall WAS Operation Rescue, Randall IS Operation Rescue, Randall will always BE Operation Rescue. It is who he is. It is who God called him to be.

Rob Shearer
Director, Francis Schaeffer Study Center www.schaefferstudycenter.org
Publisher, Greenleaf Press www.greenleafpress.com

* * *

Press Statement from Mr. Terry’s attorney, Michael Culver Esq.

We are asserting that Troy Newman’s registration of the words
OPERATION RESCUE violate Section 2(a) of the Trademark Act
(15 U.S.C. § 1052(a)) because, under that section, the trademark
“falsely suggests a connection with” Randall Terry.

“Section 2(a) has its roots in rights of privacy and publicity, i.e. a
right to control use of one’s identity.”ⁱ This section protects a person
from “an invasion of one’s persona.”ⁱⁱⁱ

This section has been asserted to protect the name of the painter
Marc Chagall,ⁱⁱⁱ a portrait of the writer Ernest Hemingway,^{iv} the
nicknames Twiggy for the British model,^v and “Bo Ball” for the athlete
Bo Jackson,^{vi} the names of the Native American tribes Apache and
Mohawk,^{vii} and Jimmy Buffett’s song title “Margaritaville.”^{viii}

ⁱ *In re White*, 73 USPQ2d 1713, 1718 (TTAB 2004).
ⁱⁱ *University of Notre Dame du Lac v. J.C. Gourment Food Imports Co.*,
703 F.2d 1372, 217 USPQ 505, 509 (Fed. Cir. 1983).
ⁱⁱⁱ *Association pour la Defense et la Promotion de L’Oeuvre de Marc
Chagall site Comite Marc Chagall v. Bondarchuk*, 82 USPQ2d 1838
(TTAB 2007).
^{iv} *In re Sloppy Joe’s Int’l*, 43 USPQ2d 1350 (TTAB 1997).
^v *Leslie Hornby a/k/a Lesley Lawson a/k/a Twiggy v. TJX Companies,
Inc.*, Canc. No. 92044369 (TTAB April 22, 2008).
^{vi} *In re Sauer*, 27 USPQ2d 1073 (TTAB 1983).
^{vii} *In re White*, 73 USPQ2d 1713, 1718 (TTAB 2004); *In re White*, 80
USPQ2d 1654 (TTAB 2006).
^{viii} *Jimmy Buffet v. Chi-Chi’s, Inc.*, 226 USPQ 428 (TTAB 1985).

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**Go to www.operationrescuetheft.com to see
more quotes, or to add *your* comments.**

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